

February 19, 1975

authority in this direction with regard to misdemeanors. So, that is, those constitute the changes of...presented by the District Judges.

SPEAKER: Any further discussion. Senator Luedtke, what do you care to do with the bill? The chair recognizes Senator Warner.

SENATOR WARNER: Senator Luedtke yield to a question.

SPEAKER: Senator Luedtke, do you yield?

SENATOR WARNER: Is the amendment that you are proposing here, would that affect the DWI's so the hospitals would be paid? Is that...

SENATOR LUEDTKE: Well, yes, I think that, in effect, the Courts have always had the possibility of making it part of the costs only it has not been clarified for purposes of probation, Senator Warner. This will spell it out with regard to those that they have placed on probation. Some of your ASUP programs, of course, this will clarify that. So DWI, I suppose, could certainly be one of them because you include misdemeanors as well as felonies.

SENATOR WARNER: Thank you.

SPEAKER: Senator Cavanaugh.

SENATOR CAVANAUGH: Senator Luedtke yield? Senator, the case of...this would allow felons to be, as a term of their probation, to spend a certain amount of their time in a county jail.

SENATOR LUEDTKE: It could, yes. They can't be...they feel they can't do that now and that this would give them that flexibility. That's right.

SENATOR CAVANAUGH: Shouldn't there or should there not be provision for compensating the county for that stay. Who would have the financial responsibility?

SENATOR LUEDTKE: Well, I suppose under the work release, education release provisions of the law already on the books, there is a means for compensating for food and shelter and that sort of thing in the present law with regard to work release and education release, if they are actually leaving the jail. If they are confined in the jail all the time, of course, we don't have a problem but in this particular law with the work release, education release flexibility, they would have the ability to assess for food, shelter and that sort of thing as they now have under the work release law.

SENATOR CAVANAUGH: You mean assess the state.

SENATOR LUEDTKE: No, assess the individual. If he is working, he helps pay for his keep under all work release programs. You asked if they could be assessed for...if they are working, for their time spent in jail, didn't you?

SENATOR CAVANAUGH: Well, I am trying...I am wondering where the financial responsibility would lie here.

SENATOR LUEDTKE: If they are out on work release, it would be with the individual depending upon, and I stress this,